

# Institutionalising *Ḥifẓ al-Bī'ah* as *Maqāṣid al-Sharī'ah* in Environmental Governance

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**Abstract:** This study aimed to propose the institutionalisation of *ḥifẓ al-bī'ah* (environmental protection) as a contemporary objective within the framework of *maqāṣid al-sharī'ah*, advancing environmental governance in Indonesia. The results showed that ecological responsibility was intrinsic to Islamic normative teachings based on the theological principles of *tawḥīd* (divine unity), *khilāfah* (vicegerency), *amānah* (trust), and *mizān* (balance). The contribution of Islamic environmental ethics to embedding ecological values within Indonesian socio-legal infrastructure was examined using a qualitative normative method grounded in Qur'anic exegesis, classical and contemporary legal scholarship, and institutional documents. A shift from normative values toward a framework was advocated for legislation and policymaking. The values addressed climate change, ecological injustice, and sustainable development through interdisciplinary engagement. The process of institutionalising the principles of *ḥifẓ al-bī'ah* in *maqāṣid al-sharī'ah* promoted more substantive Islamic values in wider community life, while adhering to democratic principles in making public decisions.

**Keywords:** environmental ethics; environmental *fiqh*; environmental governance; *maqāṣid al-sharī'ah*; *ḥifẓ al-bī'ah*.

## 1. Introduction

The current global ecological crisis has reached a critical point demanding a serious response from multiple disciplines. Phenomena such as climate change, deforestation, biodiversity loss, and environmental degradation reflect an ecological reality intertwined with humanity's spiritual and ethical crisis.<sup>1</sup> Awareness of the need for a transdisciplinary approach that integrates science, law, and religion is growing. Islam offers a normative and theological foundation in responding to environmental challenges.<sup>2</sup> The teachings

<sup>1</sup> A M Cheema and Abaid Ur Rahman, "Exploring the Islamic Eco-Theology to Address Environmental Crisis: A Pathway to Global Sustainability," *Al-Tabyeen: (Bi-Annual Research Journal of Islamic Studies)*, no. June (2025), <https://journals.uol.edu.pk/al-tabyin/article/view/4126>.

<sup>2</sup> A M Al-Damkhi, "Environmental Ethics in Islam: Principles, Violations, and Future Perspectives," *International Journal of Environmental Studies* 65, no. 1 (2008): 11–31, <https://doi.org/10.1080/00207230701859724>.

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Article Info [Submitted: Februari 26, 2026 | Revised: July 30, 2026 | Accepted: September 03, 2026 | Published September 17, 2026]



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include the relationship between humans and God (*ḥablum minallāh*), as well as the relationship between humans and nature (*ḥablum minal ‘ālam*), rooted in the concept of cosmic *tawḥīd*.<sup>3</sup> In this context, three core Islamic principles are considered, namely *khilāfah* (vicegerency), *amānah* (trust), and *mizān* (balance).<sup>4</sup> First, *khilāfah* (Qur’an, Al-Baqarah 2:30) places humanity as stewards entrusted with ethically managing the earth. Second, *amānah* (Qur’an, Al-Ahzab 33:72) affirms that the earth is a divine trust. Third, the principle of *mizān* (Qur’an, Ar-Rahman 55:7-9) teaches the importance of ecological balance, which must not be violated.<sup>5</sup> These values form the ethical foundations of a holistic Islamic environmental ethic.

Islamic law (*sharī‘ah*) provides conceptual tools for addressing ecological challenges.<sup>6</sup> A key development in contemporary Islamic legal thought is the expansion of *maqāṣid al-sharī‘ah* (higher objectives of Islamic law). Modern scholars have proposed including *ḥifẓ al-bī‘ah* as an urgent additional *maqṣad* relevant to the contemporary context.<sup>7</sup> This integration is relevant in the Indonesian context, where faith-based environmental initiatives have been promoted through religious fatwas, green pesantren (Islamic boarding schools), and Islamic educational curricula.<sup>8</sup> Abel K. Aruan’s study emphasises that Islamic ecotheology is about avoiding environmental harm and internalising *rahmatan lil-‘ālamīn* (a mercy to all creation) into spiritual and social ecology.<sup>9</sup>

As a cosmic religion, Islam positions human beings within a complex relational structure including God, humanity, and nature. Ecological *tawḥīd* frames this

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<sup>3</sup> Najma Mohamed, “Revitalising an Eco-Justice Ethic of Islam by Way of Environmental Education: Implications for Islamic Education Revitalising an Eco-Justice Ethic of Islam by Way of Environmental Education: Implications for Islamic Education” (Stellenbosch University, 2012), <https://doi.org/10.13140/RG.2.1.1200.3687>.

<sup>4</sup> Aji Kurbiyanto et al., “Environmental Ethics in Islamic Teachings: Discussing Ethical Principles in Islamic Teachings That Emphasize Environmental Protection and Preservation,” *World Sustainability Series* Part F3673 (2024): 15 – 34, [https://doi.org/10.1007/978-981-97-8772-2\\_2](https://doi.org/10.1007/978-981-97-8772-2_2).

<sup>5</sup> Kurbiyanto et al.

<sup>6</sup> Dwi Novita et al., “Contemporary Eco-Maqashid Governance and Circular Economy in Indonesia’s Islamic Capital Market: Addressing the ‘Islamic but Not Green’ Paradox,” *MILRev: Metro Islamic Law Review* 5, no. 2 (August 2026): 1489–1516, <https://doi.org/10.32332/MILREV.V5I2.12673>.

<sup>7</sup> Anna M Gade, “Islamic Law and the Environment in Indonesia,” *Worldviews: Global Religions, Culture, and Ecology* 19 (2015): 161–65, <https://doi.org/10.1163/15685357-01902006>; Miftahorrozi Miftahorrozi, Shabeer Khan, and Muhammad Ishaq Bhatti, “Waste Bank-Socio-Economic Empowerment Nexus in Indonesia: The Stance of Maqasid Al-Shari‘ah,” *Journal of Risk and Financial Management* 15, no. 7 (2022): 2, <https://doi.org/10.3390/jrfm15070294>.

<sup>8</sup> Nur Adibah Mohidem and Zailina Hashim, “Integrating Environment with Health: An Islamic Perspective,” *Social Sciences* 12, no. 6 (2023): 4–6, <https://doi.org/10.3390/socsci12060321>.

<sup>9</sup> Abel K. Aruan, “Postcolonial Typology: A Pedagogical Note on the Field of Ecotheology,” *Religions* 15, no. 12 (2024): 5, <https://doi.org/10.3390/rel15121422>.

relationship: God's oneness implies unity, harmony, and balance in the universe. Islamic theological ethics emphasise that harming nature is equivalent to violating divine commands. This is because the natural world is part of God's creation and must be honoured and protected. Mohamed explains that respecting the environment is a social obligation and spiritual practice from a Sufi perspective, where nature is viewed as *āyāt kauniyyah*, signs of God's greatness manifested in the natural world.<sup>10</sup>

The principle of *mizān*, as mentioned in Qur'an Surah Ar-Rahman (55:7-9), stresses the importance of maintaining ecological balance. In this context, Islamic teachings promote moderation in resource use and prohibit all forms of *isrāf* (excessiveness). Mangunjaya and McKay report this view, particularly in relation to environmental conservation efforts.<sup>11</sup> *Maqāṣid al-sharī'ah* (the higher objectives of Islamic law) provide a normative paradigm in Islamic thought that guides legal rulings toward preserving essential values of life. Classical *maqāṣid* comprise five elements, namely protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Given the contemporary ecological crisis, modern Islamic legal scholars such as Jasser Auda and A. M. Gade have proposed adding *ḥifẓ al-bi'ah* (environmental protection) as an urgent and necessary component of the existing *maqāṣid* framework.<sup>12</sup>

The concept of *maqāṣid* must be continuously explored and expanded to ensure that *sharī'ah* remains responsive to the evolving needs of the modern world. Meanwhile, empirical and legal studies by Anna M. Gade document how environmental fatwas and grassroots initiatives in Indonesia have translated normative ethics into a practical framework.<sup>13</sup> In the Indonesian context, a *maqāṣid*-based approach has bridged religious norms with community-driven environmental policy initiatives, as Miftahorrozi, Khan, and Bhatti report on Islamic waste banks grounded in *maqāṣid* values.<sup>14</sup>

Understanding ecological *maqāṣid* comprises prohibiting environmental harm and facilitating proactive efforts in preservation, restoration, and ecologically just development. To move beyond a purely textualist framework and respond more effectively to complex contemporary issues such as environmental degradation, recent

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<sup>10</sup> Mohamed, "Revitalising an Eco-Justice Ethic of Islam by Way of Environmental Education: Implications for Islamic Education Revitalising an Eco-Justice Ethic of Islam by Way of Environmental Education: Implications for Islamic Education."

<sup>11</sup> Fachruddin Majeri and Jeanne E. McKay, "Reviving an Islamic Approach for Environmental Conservation in Indonesia" 16 (2012): 286–305, <https://doi.org/https://doi.org/10.1163/15685357-01603006>; Muhammad Abdel-Haleem, "Water in the Qur'an," *Islamic Quarterly* 33, no. 1 (1989): 34–50.

<sup>12</sup> Gade, "Islamic Law and the Environment in Indonesia."

<sup>13</sup> Jasser Auda, "Objective of Islamic Law..," *Maqasid Al-Shariah As Philosophy of Islamic Law*, 2008, 17–138.

<sup>14</sup> Miftahorrozi, Khan, and Bhatti, "Waste Bank-Socio-Economic Empowerment Nexus in Indonesia: The Stance of Maqasid Al-Shari'ah."

Islamic legal thought has introduced value-based methodologies to reframe *fiqh* in terms of universal ethical principles.

*Ḥifẓ al-bī'ah* (environmental protection) reflects foundational Islamic values that shape legislation, education, and public ethics.<sup>15</sup> This paradigm provides a conceptual foundation for reorienting *fiqh* toward proactive, ethical engagement with contemporary humanitarian crises such as climate change, ecological injustice, and biodiversity loss.

Islamic ecological values should be framed beyond individual ethics. Environmental governance refers to the set of formal and informal rules, institutions, policies, and practices that allow societies to make decisions about environmental issues and manage natural resources.<sup>16</sup> This variable includes state regulations and the roles of civil society, religious institutions, customary norms, and market mechanisms in shaping environmental behaviours. In Islamic discourse, environmental governance has a unique character, integrating moral theology, legal reasoning, and collective responsibility rooted in divine accountability (*tawḥīd*, *amānah*, *khilāfah*). A *maqāṣid*-oriented governance model aligns with religious ethics and creates structural coherence between Islamic legal traditions and the socio-political apparatus that manages the environment.

In practice, Indonesia has developed various approaches to environmental *fiqh* through fatwas, educational initiatives, and social movements. Gade traced the Indonesian Ulema Council's (Majelis Ulama Indonesia, MUI) role in issuing environmental fatwas, including prohibitions on improper waste disposal, as well as Muhammadiyah's fatwa on plastic waste.<sup>17</sup> Mohidem and Hashim showed how Islamic values are contextualised within public health and environmental issues, including responses to diseases connected to ecosystem degradation.<sup>18</sup>

Environment-based Islamic education in several *pesantren* (Islamic boarding schools) and madrasah has adopted the principles through curriculum development and eco-conscious practices, popularly known as *eco-santri*. Aruan advocated elevating Islamic ecotheological approaches into academic and policy-making arenas so they become part of mainstream discourse in public decision-making and environmental legislation.<sup>19</sup>

The literature on Islamic environmental ethics falls into three domains. The first establishes the theological and normative legitimacy of *ḥifẓ al-bī'ah* grounded in the

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<sup>15</sup> Hovhannes Sargsyan et al., "Beyond Anthropocentrism: Reinterpreting Islamic Legal Ethics through Transspecies Rights and Ecological Jurisprudence," *Indonesian Journal of Islamic Law* 8, no. 1 (November 2025): 92–112, <https://doi.org/10.35719/9VRYSR32>.

<sup>16</sup> Maria Carmen Lemos and Arun Agrawal, "Environmental Governance," *Annual Review of Environment and Resources* 31, no. 1 (2006): 297–325, <https://doi.org/10.1146/annurev.energy.31.042605.135621>.

<sup>17</sup> Gade, "Islamic Law and the Environment in Indonesia."

<sup>18</sup> Mohidem and Hashim, "Integrating Environment with Health: An Islamic Perspective."

<sup>19</sup> Aruan, "Postcolonial Typology: A Pedagogical Note on the Field of Ecotheology."

Qur'an and Sunnah. The second describes local institutional practices, such as the development of *eco-pesantren* and green religious movements. The third connects *maqāṣid al-sharī'ah* to specific economic sectors, such as green banking and waste management. These studies articulate ethical aspirations but largely leave a critical gap: they do not provide a structural institutional architecture. Currently, religious responses such as fatwas and philanthropic initiatives remain disconnected from the state's governance apparatus and lack legal enforceability. Addressing the specific gap, this study proposes an institutional model for embedding *ḥifẓ al-bī'ah* into the framework of environmental governance, moving the discourse from ethical aspiration to operational socio-legal policy in a Muslim-majority democracy.

## 2. Methods

This study adopts a qualitative normative approach, supported by literature analysis and textual interpretation, to explore the theological and legal foundations of Islamic environmental ethics and the potential institutionalisation of *ḥifẓ al-bī'ah* as a contemporary objective (*maqṣad*) of Islamic law. The results draw on primary sources, including Qur'anic verses, classical legal texts, contemporary writings on *maqāṣid al-sharī'ah*, official documents of Islamic organisations, and laws and policies on environmental governance. Secondary sources include scholarly journals, fatwas, institutional guidelines, and publications from Indonesian Islamic organisations involved in environmental initiatives. To analyse the selected institutional documents (Table 1), the unit of analysis focuses on normative clauses, explicit legal classifications, such as *ḥarām* or *wājib*, and operational mandates. These texts were interpreted through a *maqāṣid al-sharī'ah* lens in relation to *ḥifẓ al-bī'ah* and connected to broader discourses of Islamic public law and governance.

This study examines officially issued documents, including national fatwas, organisational doctrinal manuals, and structured educational programs that directly address ecological concerns within Islamic discourse to ensure content validity. The documents were selected based on institutional authority, accessibility, and clear environmental emphasis. The relevance was interpreted through a *maqāṣid al-sharī'ah* lens, particularly in relation to *ḥifẓ al-bī'ah*, and connected to broader discourses of Islamic public law and governance. Table 1 analyses key primary documents from major Indonesian Islamic institutions, featuring direct clause quotes, legal classifications, and operational governance functions to establish an empirical-textual foundation.

Table 1. Primary Document Analysis of Islamic Environmental Norms in Indonesia.

| Institution/<br>Document                                                                                                                     | Direct Quotation/Key Clause                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Legal Status &<br>Classification                                                                                                                                                                  | Governance & Operational Function                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Majelis Ulama Indonesia (MUI)</b><br><br>Fatwa No. 41/2014 on Waste Management                                                            | "Setiap Muslim wajib menjaga kebersihan lingkungan, memanfaatkan barang-barang guna untuk kemaslahatan serta menghindarkan diri dari berbagai penyakit serta perbuatan tabdzir dan israf." (Second Dictum, para. 1)<br>"Membuang sampah sembarangan dan/atau membuang barang yang masih bisa dimanfaatkan untuk kepentingan diri maupun orang lain hukumnya haram." (Second Dictum, para. 2)<br>"Mendaur ulang sampah menjadi barang yang berguna bagi peningkatan kesejahteraan umat hukumnya wajib kifayah." (Second Dictum, para. 4) | <i>Ḥarām</i> (the prohibition against indiscriminate waste disposal that causes harm) and <i>Wājib Kifāyah</i> (the collective obligation to recycle and implement sustainable waste management). | Converts environmental ethics into a formalised legal framework, serves as a normative baseline for regional government regulations (Perda) on waste management, showing the macro-level transmission from religious edicts to public policy. <sup>20</sup> |
| <b>Muhammadiyah</b><br><br>Guidelines for Islamic Life for Muhammadiyah Members (PHIWM), 2000, Chapter "Life in Preserving the Environment." | "Setiap Muslim, khususnya warga Muhammadiyah, dilarang melakukan usaha-usaha dan tindakan-tindakan yang menyebabkan kerusakan lingkungan alam, termasuk kehidupan hayati seperti binatang, pepohonan, maupun lingkungan fisik dan biotik, termasuk air laut, udara, sungai, dan sebagainya, yang menyebabkan                                                                                                                                                                                                                            | <i>Ḥarām</i> (the prohibition against causing environmental degradation) and <i>Wājib</i> (the obligation to preserve the environment as a divine trust ( <i>amānah</i> )).                       | Institutionalizes environmentally responsible lifestyles across Muhammadiyah's organizational network, including its schools, universities, hospitals, and other social service institutions, thereby integrating Islamic environmental ethics into         |

<sup>20</sup> For a detailed discussion of the interaction between MUI Fatwa No. 41 of 2014 and local environmental governance, particularly its role as a normative foundation for enforcing regional waste management regulations (Peraturan Daerah/Perda), see Maulidya Mora Matondang, "Tinjauan Fiqh Jinayah Terhadap Sanksi Bagi Pelaku Pembuang Sampah Sembarangan Menurut Perda Kota Medan Nomor 6 Tahun 2015 Tentang Pengelolaan Persampahan" 10, no. 1 (2022): 20–32, <https://doi.org/http://dx.doi.org/10.30821/al-usrah.v10i1.13651>.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                 | hilangnya keseimbangan ekosistem dan timbulnya bencana dalam kehidupan." (PHIWM, No. 66)                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                  | education, healthcare, and community governance. <sup>21</sup>                                                                                                                                                                                                                                                                   |
| <b>Nahdlatul Ulama (NU)</b><br><br>Decision of the Bahtsul Masail Waqi'iyah, National Conference (Munas) of Nahdlatul Ulama (NU), Banjar City, West Java, 2019                  | "Hukum Islam sudah menyatakan bahwa hukum mencemarkan lingkungan baik udara, air dan tanah serta keseimbangan ekosistem jika membahayakan adalah haram dan termasuk perbuatan kriminal (jinayat) dan kalau terdapat kerusakan maka wajib diganti oleh pencemar."                                                                               | <b>Ḥarām</b> (the prohibition of waste disposal that endangers the public and the ecosystem).                                                                                                                                                                                                    | Provides a socio-religious normative foundation for grassroots community advocacy and public participation in preventing environmental pollution and promoting responsible waste management. <sup>22</sup>                                                                                                                       |
| <b>The Ministry of Environment of the Republic of Indonesia (Kementerian Lingkungan Hidup RI)</b><br><br>Panduan Program Eco-Pesantren Menuju Pesantren Ramah Lingkungan (2010) | "Dalam mewujudkan Program Eco-Pesantren ditetapkan beberapa indikator: 1. Pengembangan kebijakan pondok pesantren ramah lingkungan 2. Pengembangan kurikulum lingkungan berbasis Islam 3. Pengembangan kegiatan ekstra kurikuler berbasis tadabbur alam 4. Pengembangan dan atau pengelolaan sarana dan prasarana pendukung pondok pesantren." | National Ministerial Guideline intended to be codified into internal institutional policy ( <i>Wājib</i> Organisasional). It mandates environmental budget allocation (RAPB) and classifies compliance into two progressive phases: Empowerment (under 3 years) and Independence (over 3 years). | Integrates environmental conservation into Islamic educational governance. It standardises eco-friendly institutional policies, curriculum integration, nature contemplation ( <i>tadabbur alam</i> ) activities, and sustainable infrastructure management (including waste, water, electricity, and halal food). <sup>23</sup> |

Source: Compiled by the author, 2026

<sup>21</sup> PP Muhammadiyah, "Pedoman Kehidupan Islami Warga Muhammadiyah (Guidelines For Islamic Life For Muhammadiyah Members)" (2000).

<sup>22</sup> PBNU, *Hasil-Hasil Munas Alim Ulama Dan Konbes NU 2019*, Final Reviewer: H. Ulil Abshar; Content Authors: KH. Mujib Qulyubi, H. Syahrizal Syarief, H. Andi Najmi Fuaidi, H. Masduki Baidlowi; Editors: KH. Mahbub Ma'afi (Jakarta Pusat: Lembaga Ta'lif wan Nasyr PBNU, 2019).

<sup>23</sup> KLHK, *Panduan Program Eco-Pesantren Menuju Pesantren Ramah Lingkungan* (Jakarta: Kemeterian Lingkungan Hidup, 2008).

The textual analysis shows that Indonesian Islamic organisations have formulated rigorous legal prohibitions against environmental degradation. Despite the comprehensive normative focus, this study acknowledges the limitations of a purely literature-based method. Empirical fieldwork or quantitative assessment of public reception or behavioural change is not included. Therefore, future studies are needed to evaluate the socio-legal effectiveness of environmental fatwas, *pesantren* initiatives, and Islamic ecological philanthropy across diverse Indonesian communities. Comparative studies with other Muslim-majority countries such as Malaysia or Morocco may enrich understanding and enhance the model's applicability.

The methodological foundation provides the analytical basis for examining interpretations of Islamic environmental principles, particularly *ḥifẓ al-bī'ah*, and their application across theological, legal, and institutional domains. The following section discusses the operational dynamics of the concepts through case-based analysis and contextual interpretation, reporting the implications for a *maqāṣid*-oriented Islamic environmental governance framework.

### 3. Results and Discussion

#### 3.1. Islamic Theology and Ecological Consciousness

Ecological consciousness in Islam is integral to Islamic theology and ethics from the first revelation. The relationship between humanity and the universe is framed within the concept of cosmic *tawḥīd*, where God is the Creator, Sustainer, and Regulator of environmental balance. In this value system, human beings are part of an interdependent cosmic order whose harmony and sustainability must be preserved.<sup>24</sup>

A direct consequence of ecological *tawḥīd* is the mandate of *khilāfah* (vicegerency), as emphasised in the Qur'an, Surah Al-Baqarah (2:30). Humanity is appointed as stewards on earth to manage, conserve, and bear ethical responsibility for sustaining ecological life. In this framework, *khilāfah* is a moral and spiritual trust (*amānah*) grounded in *mas'ūliyyah* (accountability) before God.<sup>25</sup> The *khalīfah's* role is not hegemonic but representative, as humans act as custodians of the divine will in preserving the earth's

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<sup>24</sup> Najma Mohamed, "Revitalising an Eco-Justice Ethic of Islam by Way of Environmental Education: Implications for Islamic Education," *Unpublished Ph. D. Dissertation*, no. March (2012): 33–39; Ahmad Zuhdi, M. Agus Muhtadi Bilhaq, and Lusiana Rahmadani Putri, "Islamic Philosophy's Approach to Environmental Ethics: An Analysis of the Teachings of the Qur'an and Hadith," *Journal of Noesantara Islamic Studies* 1, no. 4 (2024): 45–59, <https://doi.org/10.70177/jnis.v1i4.1392>; N H Ammar, "Islam and Deep Ecology," *Journal of the American Academy of Religion* 69, no. 3 (2001): 671–90, <https://doi.org/10.1111/j.1467-9744.2001.tb00969.x>.

<sup>25</sup> Aruan, "Postcolonial Typology: A Pedagogical Note on the Field of Ecotheology"; Gade, "Islamic Law and the Environment in Indonesia."

natural order and function. The concept of *amānah*, as found in Qur'an Surah Al-Aḥzāb (33:72), reinforces an ethical framework in which human authority over nature is temporary, limited, and accountable. In environmental exegesis, *amānah* implies that ecological actions are held accountable both spiritually and socially.<sup>26</sup> *Amānah* converges with the principle of *maṣlahah*, where environmental preservation becomes a matter of public welfare.

A third key principle in the Islamic ecological ethical framework is *mizān* (balance). In Qur'an Surah Ar-Raḥmān (55:7-9), God affirms the development of balance and instructs humans not to disrupt the creation. *Mizān* includes physical or biological balance, as well as moral, spiritual, and social equilibrium. According to Kurbiyanto et al., *mizān* is described as a meta-ethical principle in Islamic ecotheology, serving as the foundation for environmental preservation and reconfiguring the relationship between humans and other creations. Every form of *isrāf* (excessiveness) in consuming energy, water, or natural resources is viewed as a violation of *mizān*, and a form of spiritual disobedience.<sup>27</sup>

Zuhdi, Bilhaq, & Putri affirmed that the three concepts, *khilāfah*, *amānah*, and *mizān*, possessed theological significance and practical relevance in shaping public ethics and policy responses to environmental crises. The article exploring Islamic environmental ethics based on the Qur'an and *ḥadīth* reports that internalising these values can help facilitate ecological behaviour within Muslim communities.<sup>28</sup> Wikaldi & Alhafizh on *living ḥadīth* showed that popular sermons promoting ecological *khilāfah* and *amānah* influenced environmental awareness among digitally connected Muslim audiences.<sup>29</sup> Therefore, the concepts of *khilāfah*, *amānah*, and *mizān* in Islam are epistemic pillars for constructing an Islamic environmental ethic to inform advocacy, policy-making, and sustainable environmental education.

### 3.2. *Ḥifẓ al-Bī'ah as Maqāṣid al-Sharī'ah*

Reconstructing *maqāṣid al-sharī'ah* to address the global ecological crisis marks a progressive step in contemporary Islamic legal thought. Even though the classical framework of *maqāṣid* revolves around five essential protections (*al-ḍarūriyyāt al-khams*), namely protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), *ḥifẓ al-bī'ah* (environmental protection) has been

<sup>26</sup> Majeri and McKay, "Reviving an Islamic Approach for Environmental Conservation in Indonesia."

<sup>27</sup> Kurbiyanto et al., "Environmental Ethics in Islamic Teachings: Discussing Ethical Principles in Islamic Teachings That Emphasize Environmental Protection and Preservation."

<sup>28</sup> Zuhdi, Bilhaq, and Putri, "Islamic Philosophy's Approach to Environmental Ethics: An Analysis of the Teachings of the Qur'an and Hadith."

<sup>29</sup> Aldi Wikaldi, "Hadis Dan Kesalehan Ekoteologi: Studi Living Hadis Pada Ceramah Fahrudin Faiz Tentang Menjaga Alam," *Jurnal Sains Student Research* 3, no. 3 (2025): 117–27.

reported as a sixth, urgent priority for ensuring the survival of humanity and the ecosystem.

Gade showed that environmental fatwas in Indonesia, such as those prohibiting littering and illegal logging, implied a tacit recognition of ecological *maqāṣid*.<sup>30</sup> Jasser Auda argued that *maqāṣid* must be open, multi-layered, and contextual, legitimising the integration of ecological objectives into Islamic law.<sup>31</sup> Tahir and Hamid explicitly articulated the significance of *ḥifẓ al-bī'ah* within Islamic humanitarian law, arguing that ecological destruction violated *maqāṣid* by directly harming human life, future generations, and communal economic welfare.<sup>32</sup> In this context, environmental protection qualifies as *maṣlaḥah mursalah* (public interest without specific textual evidence) and becomes a legal necessity. Munir and Kusnadi elaborated on how *fiqh al-bī'ah* (Islamic environmental jurisprudence) could be reformulated through a *maqāṣid*-based approach to address socio-environmental issues such as flooding, pollution, and water crises.<sup>33</sup> Accepting ecological justice as a central concern helped shift *maqāṣid* from a purely protectionist model to a transformative vision. Although the expansion of *maqāṣid al-sharī'ah* to include *ḥifẓ al-bī'ah* reflects progressive legal thought, the concept requires rigorous methodological justification to avoid conceptual inflation. In this scenario, the *maqāṣid* framework risks losing its definitive boundaries as an instrument of legal reasoning when extended to every global issue.

Traditionalist perspectives often raise the subsumption objection, arguing that environmental protection requires no autonomous *maqṣad* because it is inherently included within the preservation of life (*ḥifẓ al-naḥs*), property (*ḥifẓ al-māl*), and future generations (*ḥifẓ al-nasl*). To resolve this, *ḥifẓ al-bī'ah* must be anchored within the classical strictures of *maṣlaḥah mursalah* (unrestricted public interest), as suggested by classical theorists like al-Ghazālī and al-Syātibī.<sup>34</sup> Classical *uṣūl al-fiqh* dictates that a valid *maṣlaḥah* must be universally harmonious (*mulā'im*), strictly necessary (*ḍarūrī*), and definitive (*qat'ī*).<sup>35</sup> Ecological preservation constitutes the absolute foundational precondition (*syarṭ*) for the existence of all five classical *maqāṣid*. Religion, life, intellect,

<sup>30</sup> Gade, "Islamic Law and the Environment in Indonesia."

<sup>31</sup> Auda, "Objective of Islamic Law.."

<sup>32</sup> Tarmizi Tahir, Syeikh Hasan, and Abdel Hamid, "Maqasid Al-Syari ' Ah Transformation Implementation for Humanity In," *Ihya' 'Ulum Al-Din* 26, no. 1 (2024): 125–27.

<sup>33</sup> Abdulloh; Kusnadi Munir, "Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah," *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 2 (2024): 304–10, <https://doi.org/10.33367/tribakti.v35i2.5417>.

<sup>34</sup> Abū Ḥamid Al-Ghazālī, *Al-Mustasfā Min 'Ilm Al-Uṣūl*, Vol. 2, ed. Ḥamzah ibn Zuhayr Ḥāfiẓ (Madinah: Islamic University of Madinah, 1993), 481–82; Abū Ishāq Al-Syātibī, *Al-Muwāfaqāt Fī Uṣūl Al-Syari'ah*, Vol. 2, ed. Abū 'Ubaydah Mashhūr bin Ḥasan Āl Salmān (Al-Khubar: Dār Ibn 'Affān, 1997), 17–21.

<sup>35</sup> Al-Ghazālī, *Al-Mustasfā Min 'Ilm Al-Uṣūl*, Vol. 2; Al-Syātibī, *Al-Muwāfaqāt Fī Uṣūl Al-Syari'ah*, Vol. 2.

lineage, and property cannot be sustained without a functioning and sustainable planetary ecosystem.<sup>36</sup> Therefore, *ḥifẓ al-bī'ah* ascends to the level of *kullī* (a universal imperative) to satisfy classical necessity and provides a bounded, robust criterion for its inclusion as an independent, foundational *maqṣad*. In Islamic economics, Syarvina and Batubara connect *ḥifẓ al-bī'ah* with green banking and the sustainability of Islamic financial institutions.<sup>37</sup> Ecological *maqāṣid* has direct policy implications for sustainable development and Islamic economic governance. Zahrah, Subli, & Musyadat explore the adaptability of Islamic law in addressing the impacts of climate change on Muslim economic life, framing *ḥifẓ al-bī'ah* as a foundational principle in designing a *maqāṣid*-based green economy.<sup>38</sup>

In Indonesia, ecological *maqāṣid* are implemented through *sharī'ah*-based initiatives such as Islamic waste banks, productive *waqf* for organic agriculture, and environmental preacher programs. Miftahorrozi, Khan & Bhatti showed how the approach effectively bridged Islamic values with community-driven ecological justice.<sup>39</sup> *Maqāṣid* bridges normative ethics and practical solutions. From a policy perspective, Rois, Jannani, and Mufid emphasised how ecological *maqāṣid* served as a framework for evaluating economic development policies that clashed with environmental conservation goals.<sup>40</sup> The results state that *maqāṣid* should not remain symbolic, but must be operationalised as a tool for public policy analysis. Therefore, *ḥifẓ al-bī'ah* is a critical necessity that guides legislation, fatwas, economic planning, education, and environmental advocacy in the Muslim world.

The ecological *maqāṣid* framework opens space for dialogue between Islamic *sharī'ah* and contemporary environmental science, reaffirming Islam's universal mission as *rahmatan lil-'ālamīn*, a mercy to all creation, in spiritual and ecological terms. Even though several Islamic organisations in Indonesia, such as MUI, Nahdlatul Ulama (NU), and Muhammadiyah, have issued environmental fatwas, including prohibitions on plastic waste and improper waste disposal, these initiatives have remained normative

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<sup>36</sup> Al-Syātibī, *Al-Muwāfaqāt Fī Uṣūl Al-Syari'ah*, Vol. 2.

<sup>37</sup> Wahyu Syarvina and Chuzaimah Batubara, "Sharia Compliance in Achieving Green Banking: The Role of Hifz Al-Din and Hifz Al-Bi'ah," *Share: Jurnal Ekonomi Dan Keuangan Islam* 14, no. 1 (2025): 397–405, <https://doi.org/10.22373/share.v14i1.26986>.

<sup>38</sup> Zahrah Zahrah et al., "The Flexibility of Islamic Law in Responding to Climate Change Impacts on the Economy," *Al-'Aqdu: Journal of Islamic Economics Law* 4 (2024): 153–58, <https://doi.org/10.30984/ajiel.v4i2.3294>.

<sup>39</sup> Miftahorrozi, Khan, and Bhatti, "Waste Bank-Socio-Economic Empowerment Nexus in Indonesia: The Stance of Maqasid Al-Shari'ah."

<sup>40</sup> Choirur Rois, Nur Jannani, and Moh Hoirul Mufid, "Islamic Law Paradigm Responding Conflicts of Interest of Economic Development and Ecological Conservation Hifdz Al-Bi'ah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 194–203, <https://doi.org/10.29240/jhi.v9i1.8660>.

rather than systemic and institutional. The lack of legal enforceability, fragmented synergy between religious and governmental bodies, and the marginal integration of environmental values in Islamic education pose significant structural challenges.<sup>41</sup> Therefore, this study proposes a *maqāṣid*-based institutional transformation that elevates *ḥifẓ al-bī'ah* from an ethical aspiration into a functional legal and policy instrument. The process includes tripartite collaboration between ulama councils, state agencies, and Islamic universities to operationalise environmental fatwas into policy,<sup>42</sup> the integration of *maqāṣid*-based ecological frameworks into local and national legislation,<sup>43</sup> and mainstreaming environmental *fiqh* into *pesantren* and university curricula.<sup>44</sup> Developing green zakat, waqf, and eco-*pesantren* models further supports sustainable Islamic philanthropy in line with *maqāṣid al-sharī'ah*.<sup>45</sup> By embedding these values into Indonesia's religious and public infrastructure, *ḥifẓ al-bī'ah* serves as a transformative axis for Islamic ecological jurisprudence and policy.

### 3.3. Fatwas and *Fiqh* Practices in the Indonesian Context

Islamic responses to the ecological crisis have reached an institutional level through environmental fatwas and community-level *fiqh* application. MUI issued Fatwa No. 41 of 2014 on waste management, which incorporated key *sharī'ah* principles such as the prohibition of *ifsād fī al-arḍ* (corruption on earth), with ethical mandates to avoid *isrāf* (excess) and *tabdhīr* (wastefulness) in the use and disposal of resources. The fatwa emphasises that environmental care is not a recommendation (*mandūb*), but a legal and ethical obligation. As stated explicitly in the document:

*"Setiap Muslim wajib menjaga kebersihan lingkungan, memanfaatkan barang-barang guna untuk kemaslahatan serta menghindarkan diri dari berbagai penyakit serta perbuatan tabdzir dan israf (Every Muslim has a duty to preserve environmental cleanliness, make beneficial use of reusable resources for the common good (maṣlaḥah),*

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<sup>41</sup> Gade, "Islamic Law and the Environment in Indonesia"; Majeri and Mckay, "Reviving an Islamic Approach for Environmental Conservation in Indonesia."

<sup>42</sup> Rois, Jannani, and Mufid, "Islamic Law Paradigm Responding Conflicts of Interest of Economic Development and Ecological Conservation Hifdz Al-Bi'ah Perspective."

<sup>43</sup> Tahir, Hasan, and Hamid, "Maqasid Al-Syari'ah Transformation Implementation for Humanity In."

<sup>44</sup> Hafidhoh Ma'rufah, "Faith-Based Environmentalism: Sahal Mahfudz and the Ecological Transformation of Pesantren," *Jurnal Sosiologi Reflektif* 19, no. 2 (2025): 309–36, <https://doi.org/10.14421/tt7nkc43>; Kristiyanto, "Eco Pesantren Berbasis Paradigma Pembangunan Berkelanjutan (Studi Kasus Ma'had Al-Zaytun)," *Disertasi UIN Syarif Hidayatullah*, 2015, 1–331.

<sup>45</sup> Miftahorrozi, Khan, and Bhatti, "Waste Bank-Socio-Economic Empowerment Nexus in Indonesia: The Stance of Maqasid Al-Shari'ah"; Zahrah et al., "The Flexibility of Islamic Law in Responding to Climate Change Impacts on the Economy."

*and avoid practices that contribute to disease, wastefulness (tabdhīr), and excessive consumption [isrāf]).*<sup>46</sup>

It further asserts:

*“Membuang sampah sembarangan dan/atau membuang barang yang masih bisa dimanfaatkan untuk kepentingan diri maupun orang lain hukumnya haram (Indiscriminate waste disposal and the disposal of items that are still usable for the benefit of oneself or others are deemed ḥarām [prohibited] under Islamic law).*<sup>47</sup>

This articulation transforms ecological concern into a binding Islamic norm rooted in legal reasoning. This effort shifts symbolic preaching toward normative frameworks that can guide behaviour and community action to address environmental degradation. A similar stance appears in a fatwa by Muhammadiyah's Central Board, which prohibits single-use plastic bags and affirms that environmentally destructive consumption runs counter to Islamic ethics.<sup>48</sup>

According to Ma'rufah, the ecotheological transformation within Indonesian *pesantren*, initiated by figures such as K.H. Sahal Mahfudz, has positioned *pesantren* as social actors in environmental advocacy.<sup>49</sup> *Pesantren* is a religious education institution, a centre of ecological resistance, and an incubator of environmental ethics. This led to the concept of *eco-pesantren*, characterised by energy conservation, waste management, and educational efforts grounded in ecological *tawḥīd*. Rahmat Fauzi analysed the “Green Ramadan” movement within Muhammadiyah, which integrates Ramadan *da'wah* with environmental advocacy through sermons, waste management during the fasting month, and greening initiatives at mosques and schools. This model, known as the “green khutbah”, bridges ritual piety with ecological responsibility.<sup>50</sup>

Arrasy states that the MUI Fatwa Commission has shown environmental concern since the 1970s, particularly through its stance against development projects affecting forests and displacing indigenous communities. The need to revitalise environmental *fiqh* within forums such as *ijtima' 'ulamā'* (congress of Muslim scholars) has been emphasised.<sup>51</sup>

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<sup>46</sup> Majelis Ulama Indonesia, “Pengelolaan Sampah Untuk Mencegah Kerusakan Lingkungan,” *Himpunan Fatwa MUI*, 2014, 7.

<sup>47</sup> Majelis Ulama Indonesia, “Pengelolaan Sampah Untuk Mencegah Kerusakan Lingkungan.”

<sup>48</sup> Gade, “Islamic Law and the Environment in Indonesia.”

<sup>49</sup> Ma'rufah, “Faith-Based Environmentalism: Sahal Mahfudz and the Ecological Transformation of *Pesantren*.”

<sup>50</sup> Rahmat Fauzi, “Orator Hijau: Khotbah Agama Dan Kesadaran Lingkungan Muslim” *Dalam Ramadan Hijau; Membangun Kesadaran Ekologis Dalam Ibadah Puasa*, ed. Rahmat Fauzi; Ali Zebua (Purbalingga: CV Eureka Media Aksara, 2021), 28–34.

<sup>51</sup> Firas Arrasy, “Isu-Isu Kontemporer Dalam Studi Agama-Agama Di Indonesia” (UIN Syarif Hidayatullah, Jakarta, 2022), 132–50.

Various madrasahs and *pesantren* are adopting Islamic values-based environmental education and developing curricula aligned with sustainable development and green campus principles. Rozinah et al. provided examples of how Islamic universities were implementing eco-green practices, including green building certification and student training in energy conservation.<sup>52</sup> These efforts are consistent with structural ecotheological approaches advocated by Aruan, where ecological awareness must extend beyond personal morality into systems of education, public policy, and collective religious movements. Therefore, environmental *fatwas* and eco-*pesantren* education should be incorporated into national policy frameworks for religiously based environmental governance.<sup>53</sup> Although fatwas and eco-*pesantren* initiatives represent major milestones, legal and operational enforcement remains limited without policy convergence. In this context, institutional design rooted in *maqāṣid* must extend beyond guidance to include participatory governance structures.

### 3.4. Transforming Environmental *Fiqh*

The greatest challenge is the limited implementation of principles in legislation and policies, despite Islam's strong theological and normative foundations for environmental ethics, grounded in the concepts of *tawhīd*, *khilāfah*, *amānah*, and *mizān*. The major factor is the dominance of textualist approaches in *istinbāt al-ḥukm*, which tend to preserve traditional logic based on *taqlīd* and reliance on authoritative opinions (*qauliyyah*) instead of opening space for *ijtihād maqāṣidī* and *maṣlaḥah mursalah* with ecological orientation.<sup>54</sup>

In many Muslim-majority countries, including Indonesia, Islamic legal structures remain bound to traditional readings that have not been responsive to the dynamics of modern environmental degradation. Many fatwas, or Islamic legal rulings, remain moral prohibitions, lacking effective systems for monitoring, enforcement, and empowerment in *sharī'ah*-based environmental governance. Gade showed that environmental *fatwas* served normative and educational functions but were structurally weak in terms of enforceability and institutional implementation.<sup>55</sup>

Developing environmental *fiqh* requires a new epistemological approach that emphasises *maqāṣid*-based values and sustainability goals.<sup>56</sup> This approach calls on scholars and

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<sup>52</sup> Siti Rozinah, Saiful Bahri, and M Abd Rahman, "Transforming the Ecological Behavior of Santri through the Go Green Program Based on the Eco- Pesantren Model," *Santri Journal of Pesantren and Fiqh Sosial* 6, no. 2 (2025): 187–204, <https://doi.org/https://doi.org/10.35878/santri.v6i2.1933>.

<sup>53</sup> Aruan, "Postcolonial Typology: A Pedagogical Note on the Field of Ecotheology."

<sup>54</sup> Majeri and McKay, "Reviving an Islamic Approach for Environmental Conservation in Indonesia"; Auda, "Objective of Islamic Law.."

<sup>55</sup> Gade, "Islamic Law and the Environment in Indonesia."

<sup>56</sup> Munir, "Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah."

Islamic legal academics to develop interdisciplinary *ijtihad* methods that incorporate ecological science, public policy, and environmental knowledge.

Environmental *fiqh* reform includes three major transformations. First, ecological *ijtihad* must methodologically integrate modern environmental science into contemporary *uṣūl al-fiqh* structures. This comprises expanding legal reasoning tools to include data-driven *maqāṣid* approaches. Second, *fatwa* bodies must institutionally collaborate with government agencies, Non-Governmental Organisations (NGOs), and scientific communities to ensure structural impact. Third, Islamic education must incorporate environmental dimensions into *sharī'ah* curricula at *pesantren* and university levels. As Rois, Jannani & Mufid emphasise, *sharī'ah* must be developed within the framework of *rahmatan lil-ālamīn* as a principle of ecological justice and care for all creation. Ecological *sharī'ah* prohibits environmental harm and promotes restoration, advocacy, and the empowerment of communities affected by ecological crises. Therefore, the future of environmental *fiqh* must be transformative, addressing legal issues and cultivating the Muslim community's social, political, and ecological consciousness. This represents the concrete expression of *sharī'ah* as a living value system that honours nature and protects the divine legacy of creation.<sup>57</sup>

### 3.5. The Institutionalisation of Environmental *Maqāṣid* in Indonesia

The most critical challenge in developing Islamic environmental jurisprudence (*fiqh al-bī'ah*) is the absence of robust institutional frameworks to translate normative fatwas into actionable policies and structural change. Even though fatwas by the MUI and Muhammadiyah, such as those addressing plastic waste and ecological degradation, provide moral direction, the concept lacks legal enforceability and operational synergy with the state.<sup>58</sup> In this context, Islamic ecological ethics and environmental governance mechanisms are disconnected.

A tripartite framework of Islamic environmental governance grounded in the interactions among institutional levels, legal instruments, and transmission mechanisms has been constructed to elevate *ḥifẓ al-bī'ah* from a moral appeal to a binding regulatory structure.<sup>59</sup> First, at the regulative (macro) level, key actors include State Ministries (such

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<sup>57</sup> Z A Bagir, "Islam and Ecology: Trajectories and Future Directions," *Journal of Islamic Studies* 26, no. 3 (2015): 295–314, <https://doi.org/10.1093/jis/etv072>; Rois, Jannani, and Mufid, "Islamic Law Paradigm Responding Conflicts of Interest of Economic Development and Ecological Conservation Hifdz Al-Bī'ah Perspective."

<sup>58</sup> Gade, "Islamic Law and the Environment in Indonesia"; Arrasy, "Isu-Isu Kontemporer Dalam Studi Agama-Agama Di Indonesia."

<sup>59</sup> This tripartite framework operationalizes the concept of "environmental governance" as defined by Lemos and Agrawal, extending their institutional theory into the Islamic socio-legal context in Indonesia. See Lemos and Agrawal, "Environmental Governance."

as the Ministry of Environment and Forestry), the legislature, and MUI. The primary instruments are formal fatwas and national laws. The transmission mechanism is formal legislative incorporation, paralleling established domestic precedent in which National Sharia Board (DSN-MUI) fatwas are incorporated into binding financial-sector regulations.<sup>60</sup> Second, at the normative (meso) level, Islamic mass organisations (such as Muhammadiyah and Nahdlatul Ulama) and regional governments use organisational edicts (*Tarjih* or *Bahtsul Masail* decisions) and regional bylaws (*Perda*). These serve as administrative references, mainstreaming ecological edicts into regional development blueprints.<sup>61</sup> Third, at the cultural-cognitive (micro) level, actors such as pesantren, mosques, and philanthropic bodies implement eco-pesantren charters and green financing (*zakat/waqf*). The operative mechanism depends on fiscal and social incentives to drive behavioural change.<sup>62</sup> This structural model charts how an environmental fatwa shifts from a normative declaration to a legally and socially operative mechanism. For the institutionalisation to succeed, specific safeguards are required. The proposed tripartite synergy between religious scholars and the state must retain the strict independence of fatwa authorities, ensuring that religious edicts are not instrumentalised to serve transient governmental agendas.<sup>63</sup> Therefore, institutionalising *hifẓ al-bī'ah* as a *maqāsid* offers a practical framework for balancing Islamic legal norms with contemporary ecological governance. This enables Islamic law to move beyond symbolic declarations and assume a participatory role in shaping national policies, legal instruments, and sustainable socio-religious practices. According to Auda, *maqāsid* must be open, systemic, and dynamic,

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<sup>60</sup> Muhamad Nasrudin et al., "From Nonbinding to Binding: Legal Authority Transformation of DSN–MUI Fatwas within the National Legal System," *JURNAL HUKUM ISLAM* Vol. 23, no. No. 2 (2025): 413–58, <https://doi.org/10.28918/jhi.v23i2.03>; See Tim Lindsey and Simon Butt, *Indonesian Law* (Oxford University Press, 2018), 401.

<sup>61</sup> For an analysis of how Muslim mass organizations and religious leaders integrate Islamic edicts into regional climate mitigation efforts, see Jens Koehrsen, "Muslims and Climate Change: How Islam, Muslim Organizations, and Religious Leaders Influence Climate Change Perceptions and Mitigation Activities," *Wiley Interdisciplinary Reviews: Climate Change* 12, no. 3 (2021): 702, <https://doi.org/10.1002/wcc.702>; A M Ali, "Maqasid Al-Shari'ah and Sustainable Development Goals: A Critical Analysis," *International Journal of Islamic and Middle Eastern Finance and Management* 14, no. 3 (2021): 512–26, <https://doi.org/10.1108/IJIOM-05-2020-0065>.

<sup>62</sup> For empirical evidence regarding the implementation of *eco-pesantren* models and community-level environmental initiatives in shaping ecological behavior, see Rihlah Nur Aulia, Hafid Abbas, and Faisal M Jasin, "Eco-Pesantren Modeling for Environmentally Friendly Behavior: New Lessons from Indonesia" 13, no. 1 (2024): 223–29, <https://doi.org/10.11591/ijere.v13i1.25930>.

<sup>63</sup> The risk of state instrumentalization of religious authority is a recognized historical challenge in Indonesia, where fatwas have occasionally been utilized to legitimize state developmentalism. Maintaining institutional independence is therefore critical for the credibility of environmental fatwas. See Nadirsyah Hosen, "Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998)," *Journal of Islamic Studies* 15 2 (2004): 147–79, <https://doi.org/10.1093/jis/15.2.147>.

enabling *sharī'a* to respond to real-world challenges such as climate change, ecological degradation, and environmental injustice. These developments show that Indonesia is not only experimenting with environmental *maqāṣid* at the normative and institutional levels, but also shaping a broader framework of Islamic environmental governance through active societal participation.<sup>64</sup>

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<sup>64</sup> Auda, "Objective of Islamic Law.."

Table 2. Integrated *Maqāṣid*-Based Islamic Environmental Governance Architecture.

| Institutional Level                              | Key Actors & Jurisdiction                                                                                                       | Governance Instruments                                                                                                      | Transmission Mechanism to Positive Law                                                                                                       | Performance Indicators                                                                                           | Failure Conditions & Risk Safeguards                                                                                                                 |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Macro Level</b><br><br>(National / State)     | Ministry of Environment & Forestry (KLHK), Ministry of Religious Affairs (Kemenag), BAZNAS, BWI, National Fatwa Councils.       | National Environmental Policies, Green Zakat/Eco-Waqf Regulations, National Development Blueprints (RPJMN).                 | Administrative integration of fatwas into Ministerial Regulations; formal statutory references for faith-based green financing.              | Allocation of green zakat/waqf for ecological restoration; national policy recognition of <i>ḥifẓ al-bī'ah</i> . | <b>Risk:</b> State co-optation of fatwa authority.<br><b>Safeguard:</b> Independent legal advisory standing for fatwa bodies.                        |
| <b>Meso Level</b><br><br>(Regional / Provincial) | Regional Governments ( <i>Pemda</i> ), Regional Parliaments ( <i>DPRD</i> ), Provincial MUI, Regional NU & Muhammadiyah Boards. | Regional Regulations ( <i>Perda Lingkungan/Sampah</i> ), Joint Regional Decrees ( <i>SKB</i> ), Green Building Codes.       | Formal adoption of fatwa legal reasoning ( <i>illat</i> ) into Academic Drafts ( <i>Naskah Akademik</i> ) of Regional Laws ( <i>Perda</i> ). | Enactment of <i>Perda</i> incorporating <i>farḍ kifāyah</i> waste standards; joint municipal-civil enforcement.  | <b>Risk:</b> Political inertia or corporate lobbying against <i>Perda</i> .<br><b>Safeguard:</b> Civil society coalition advocacy & public hearings. |
| <b>Micro Level</b><br><br>(Community / Local)    | <i>Pesantren</i> , Local Mosques, Sharia Waste Banks, Village Authorities, Eco-Santri Networks.                                 | Eco- <i>Pesantren</i> Charters, Green <i>Khutbah</i> Curricula, Village Eco-Rules ( <i>Perdes</i> ), Community Waste Banks. | Direct community adoption; conversion of religious duties into local customary rules ( <i>adit/sanksi sosial</i> ).                          | Percentage of waste diverted by Sharia waste banks; eco-literacy rates in <i>pesantren</i> .                     | <b>Risk:</b> Lack of financial capital or technical expertise.<br><b>Safeguard:</b> Technical training partnerships with universities.               |

Source: Author's own elaboration, 2026

Decentralised religious authority, vibrant civil society, and vast Islamic educational network provide socio-legal conditions that may favour the institutionalisation of *ḥifẓ al-bī'ah* in Muslim-majority democratic countries. Unlike many countries where Islamic law is strictly formalised through state mechanisms, Indonesia allows for dynamic interaction among ulama, mass organisations (such as Muhammadiyah and Nahdlatul Ulama), and local communities. This pluralistic structure facilitates innovation in fatwa issuance, *eco-pesantren* education, and faith-based environmental philanthropy. Therefore, the experience offers a practical account of how *maqāṣid*-based ecological ethics can be embedded in theology and law, as well as in participatory governance frameworks grounded in Islamic values. The lessons may serve as a reference point for other Muslim societies seeking to develop sustainable, spiritually informed models of environmental policy and institutional design.

Institutionalising Islamic environmental values into legislation and public policymaking requires Muslim communities to adhere to established democratic mechanisms. During the legislative phase, environmental *fiqh* concepts must undergo hearings and deliberations in the House of Representatives (DPR), alongside proposals from other civil society organisations. The government and DPR have enacted laws and public policies to address environmental issues. Muslim communities should submit recommendations on integrating Islamic environmental protection principles into these laws and policies. This process enables the substantive institutionalisation of Islamic environmental ethics within broader society, complementing non-structural initiatives in educational institutions and Muslim communities.

Table 3. Laws and Policies of Environment in Indonesia.

| Laws and Policies                                                                                                                             | Issues and Objectives                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Decree of the Minister of Environment Number KEP-48/MENLH/11/1996 concerning Guidelines for the Preparation of Air Pollution Control Programs | Provides guidelines for developing air pollution control programs.                                                                                                                                                                                                                                                            |
| Decree of the Minister of Environment Number KEP-53/MENLH/10/1996 concerning Guidelines for the Preparation of Air Quality Management Plans   | Provides guidelines for developing air quality management plans.                                                                                                                                                                                                                                                              |
| Government Regulation No. 45 of 1997 concerning Economic Instruments in Environmental Management:                                             | Economic Instruments: Provides a legal basis for using economic instruments in environmental management, including potential applications in air pollution control.                                                                                                                                                           |
| Law No. 23 of 1997 on Environmental Management                                                                                                | Main Objective: To implement environmentally sound, equitable, and sustainable environmental management.<br>Pollution Aspect: To provide a legal basis for regulating environmental aspects, including air pollution. Emphasises community involvement in environmental management.                                           |
| Government Regulation Number 41 of 1999 on Air Pollution Control                                                                              | Emission Standards: Establishes emission standards for several air pollutants.<br>Implementation: Regulates air pollution control procedures, including licensing, monitoring, and sanctions.                                                                                                                                 |
| Law No 32 of 2009 on Environmental Protection and Management                                                                                  | Main Objective: To implement sustainable environmental protection and management to support sustainable development.<br>Air Pollution: Article 41 prohibits everyone from engaging in activities that may result in air pollution. This law provides the legal basis for further regulations regarding air pollution control. |
| Regulation of the Minister of Environment No. 12 of 2010 concerning the Implementation of Air Pollution Control in Regions                    | Implementation in the Regions: Establish procedures for implementing air pollution control at the regional level, including the role of regional government and community participation.                                                                                                                                      |
| Government Regulation Number 22 of 2013 concerning Amendments to Government Regulation Number 41 of 1999                                      | Further regulates air emission quality standards.                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                                                      |                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Regulation of the Minister of Environment and Forestry Number P.20/MENLHK/SETJEN/KUM.1/3/2018 concerning Air Quality Standards                                                                                       | Establishes national air quality standards for several air pollutants.                                                                                                                                 |
| Regulation of the Minister of Environment and Forestry Number P.4/MENLHK/SETJEN/KUM.1/2/2018 concerning Procedures for Implementing Air Quality Monitoring                                                           | Establishes procedures for monitoring air quality and reporting the results.                                                                                                                           |
| Regulation of the Minister of Environment and Forestry Number P.68/MENLHK/SETJEN/KUM.1/7/2019 concerning Amendments to Regulation of the Minister of Environment and Forestry Number P.20/MENLHK/SETJEN/KUM.1/3/2018 | Further regulates air quality standards.                                                                                                                                                               |
| Regulation of the Minister of Environment No. 15 of 2019 concerning Emission Quality Standards for Stationary Sources for Business and/or Industrial Activities                                                      | Emission Quality Standards: Establish emission quality standards for stationary sources, particularly in industry. Provide a technical basis for controlling emissions from various types of industry. |

*Source: Compiled by the author, 2026*

A comprehensive examination of existing laws and policies is necessary to assess the consistency with the principles of *ḥifẓ al-bī'ah*. In this analytical framework, environmental *fiqh* ijtihad may continue to evolve alongside broader analyses from multiple perspectives. Islam, as a religion that emphasises ethical values, can offer substantive rather than formalistic contributions. Laws and policies may not explicitly reference Sharia or Islam. However, Muslim mujtahids must ensure that the core spirit of Islam is reflected as *rahmatan lil-‘ālamīn* (a mercy to all creation).

#### 4. Conclusion

Institutionalising *ḥifẓ al-bī'ah* is necessary to expand the principles of environmental ethics in Islam, grounded in *maqāṣid al-sharī'ah*. This bridges normative Islamic ethics and positive state law by transforming environmental *fiqh* from an abstract objective into an operational governance architecture. To fully realise the framework, Muslim communities and organisations must propose the concept of environmental *fiqh* to state legislative bodies through a democratic process, leading to positive regulations. This achievement requires reforming traditional *sharī'ah* curricula in Islamic institutions to blend ecological sciences with *uṣūl al-fiqh*, alongside deploying interdisciplinary *ijtihād* by systematically including environmental experts in national fatwa councils. Therefore, strict institutional safeguards must be established to preserve the independence of religious bodies, ensuring effective guidance of environmental policy without risking state co-optation.

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**Acknowledgements:** The authors would like to express their sincere gratitude to Paramadina University, Jakarta, Indonesia, for providing full academic support and research facilitation.

**Funding:** This research was funded from the authors' personal budget.

**Conflict of Interest Statement:** The authors declare that this research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

**Asy-Syari'ah** is an open-access, peer-reviewed journal published by the Faculty of Sharia and Law, State Islamic University of Sunan Gunung Djati Bandung, Indonesia.

